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August 8, 2016

**VIA ECF**

The Honorable P. Kevin Castel  
United States District Judge  
United States District Court  
Southern District of New York  
500 Pearl Street, Courtroom 11D  
New York, New York 10007

**Re: Grant, et al. v. The New York Times Company, et al.; No. 16 Civ. 03175  
(PKC)(DCF)**

Dear Judge Castel:

We represent Defendants The New York Times Company, Mark Thompson and Meredith Levien ("Defendants") in the above-referenced matter and write, pursuant to Your Honor's Individual Practice Rule 1(A) and this Court's Local Rule 83.9(e)(2), to respectfully request that this Court withdraw its August 3, 2016, Order of Automatic Referral to Mediation. An initial Preliminary Conference in this matter is set before Your Honor on September 7, 2016.

Defendants filed Answers to Plaintiffs' Complaint on August 1, 2016, and on August 3, 2016, this Court automatically issued an Order of Automatic Referral to Mediation ("Order"), in accordance with this Court's Standing Administrative Order of May 24, 2015 ("Standing Order"), which requires certain counseled employment discrimination cases to be referred to this Court's Alternative Dispute Resolution program automatically upon the filing of an answer.

Defendants respectfully request a withdrawal of this Court's Order and an exemption of this matter from mediation at this early stage because this is a class action alleging class discrimination on the basis of gender, race and age. The nature of this action makes it ill-suited for mediation prior to any class or individual discovery. Also, prior to the filing of the Complaint, and prior to any inkling from Plaintiffs' counsel that they were considering filing a class action, the parties engaged in settlement negotiations concerning the two individual Plaintiffs, including a face-to-face meeting among counsel and all the parties, but were unable to reach resolution even as to those claims.

Accordingly, Defendants respectfully request that this Court withdraw its Order and remove this matter from mediation as ordered on August 3, 2016.



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I spoke to Douglas Wigdor, Esq., Plaintiffs' counsel, who stated that he has no objection to this application.

We thank Your Honor for the Court's attention to this matter.

Very truly yours,

/s/ Gregory I. Rasin  
Gregory I. Rasin

cc: Douglas Wigdor, Esq.  
Lawrence Pearson, Esq.  
Mark W. Batten, Esq.  
Larissa Boz, Esq.